
IOWA UTILITIES BOARD
Customer Service Section

Docket No.: C-2013-0005 (FCU-2013-0005)

Utility: Qwest Corporation d/b/a
CenturyLink QC, IntelePeer,
Inc., and Impact Telecom

File Date/Due Date: January 15, 2013

Memo Date: May 6, 2013

TO: The Board

FROM: Tara Ganpat-Puffett, Larry Stevens, and Mary Whitman

SUBJECT: Request for Formal Proceeding

I. Background

On March 27, 2013, the Office of Consumer Advocate (OCA) requested that the Iowa Utilities Board (IUB or Board) docket a rural call completion complaint (C-2013-0005) for formal investigation. The following chart identifies the various health care facilities involved in this complaint, phone numbers, and carriers, if known:

Facility Name	Phone No.	Carrier (Local and Long Distance) if known
Hancock County Health Systems (Main Campus)	641-843-5000 (Billing Telephone Number (BTN))	CenturyLink
Hancock County Health Systems (Main Campus)	641-843-5180 (originating)	CenturyLink
Hancock County Health Systems (Main Campus)	641-843-5186 (originating)	CenturyLink
Hancock County Health Systems (Off Campus location)	641-762-3696 (terminating)	Communications 1 Network

The complaint was filed on January 15, 2013, by Curt Gast of Hancock County Health Systems. The complaint states that Hancock County Health Systems has had problems completing calls made from the main health clinic campus to outlying telephone numbers within Mr. Gast's service area. Problems include calls that are not ringing through and calls that are unanswered. The complaint noted the problem appears to center on calls originating from the main health clinic campus (641-843-5000, which CenturyLink is the provider) and terminating at outlying medical clinics served by Communications 1 Network (641-762-3696).

Mr. Gast further stated that the problem appears to be getting worse and the problem occurs specifically when calling from Britt to Kanawha, Iowa.

CenturyLink responded on February 4, 2013, stating it investigated the complaint in accordance with the data Mr. Gast provided regarding the calls from two different telephone numbers (TNs) in the main location's telephone system to one of Hancock County Health Systems' offsite clinics:

- Calling TN: 641-843-5180 (CenturyLink customer)
- Called TN: 641-762-3696 (Communications 1 Network Inc.'s local TN)
- January 15, 2013, before 9:30 a.m., Central Standard Time (CST)

Issue 1: Calls were attempted several times before 9:30 a.m. CST from the Calling TN and would not go through to the Called TN which is to the remote health clinic.

- Calling TN: 641-843-5186 (CenturyLink customer)
- Called TN: 641-762-3696 (Communications 1 Network Inc.'s local TN)
- January 15, 2013, before 9:30 a.m., CST

Issue 2: Calls were attempted several times before 9:30 a.m., CST from the Calling TN and would not go through to the Called TN, which is the line to the remote health clinic.

CenturyLink stated Hancock County Health Systems is its customer. CenturyLink explained its technician opened a ticket to investigate the long distance calling issues and the call routing paths. CenturyLink noted the technician was able to locate calls between the Calling TN and the Called TN. CenturyLink also stated the technician tested the service and determined the problem was related to the call routing. CenturyLink stated the underlying carrier used in the routing was IntelPeer. CenturyLink stated it removed IntelPeer from the routing to the 641-762-NPA/NXX. CenturyLink also stated it notified IntelPeer that it removed it from the route and is working with IntelPeer to address and correct this issue. CenturyLink further stated that after it corrected the call routing, additional testing showed that correction addressed the issue. Additionally, CenturyLink stated the technician also contacted Mr. Gast to perform test calls, which completed without issue.

IUB staff forwarded the complaint to IntelPeer for a response. IntelPeer responded on February 20, 2013, with a response nearly identical to CenturyLink's. IntelPeer stated CenturyLink is its customer. IntelPeer stated its technician opened a ticket to investigate the long distance calling issues and the call routing paths. IntelPeer noted the technician was able to locate calls between the Calling TN and the Called TN. Also, IntelPeer further notes the technician tested the service and determined the problem was related to the call routing. IntelPeer stated the underlying carrier used in the routing was Impact

and that carrier was removed from the routing to the 641-762-NPA/NXX. IntelPeer also stated it notified Impact of its action to remove it from the route and is working with Impact to address and correct this issue. IntelPeer further stated that the routing was tested after Impact was removed. IntelPeer determined that the changes implemented addressed the issues reported by Mr. Gast. Additionally, IntelPeer stated that CenturyLink's technician contacted Mr. Gast to perform test calls and the test calls completed without issue.

The complaint was then forwarded to Impact. In its response dated March 6, 2013, Impact stated it investigated the following:

- Calling TN: 641-843-5000 (CenturyLink's customer)
- Called TN: 641-762-3696 (Communications 1 Network Inc.'s local TN)
- January 15, 2013, before 9:30 a.m. CST

Issue 1: Calls were attempted several times before 9:30 a.m. CST from the calling TN and would not go through to the Called TN, which is the line to the remote health clinic.

- Calling TN: 641-843-5186 (CenturyLink's customer)
- Called TN: 641-762-3696 (Communications 1 Network Inc.'s local TN)
- January 15, 2013, before 9:30 a.m. CST

Issue 2: Calls were attempted several times before 9:30 a.m. CST from the calling TN and would not go through to the Called TN, which is the line for the remote health clinic.

Impact stated it was contacted by IntelPeer on January 30, 2013, regarding this complaint. According to Impact, IntelPeer requested that Impact block the terminating telephone number 641-843-5180 from routing pending investigation of the issue. Impact stated it complied with IntelPeer's request. Impact explained the technician opened a ticket to investigate the reported issue and researched the call detail records (CDR's) of the reported calls and evaluated the call paths and results of the calls. According to Impact, in the ticket opened by IntelPeer, two specific call examples were given. Both originated from 641-843-5000 and terminated to 641-762-3696. The first call example specified in the ticket was made at 14:37 GMT or 9:37 a.m. CST. The second call specified was made at 14:39 GMT or 9:39 a.m. CST.

Impact noted the calling telephone number of 641-843-5000, is the Billing Telephone Number (BTN) and is presented in the outbound caller ID. When looking up the calls, only the BTN was presented outbound to Impact. This essentially masks the Direct Dial Number so that any party returning a call would see the main number calling back in. The direct number of 641-843-5186 is likely the extension of the party that made the call.

According to Impact's records, call number one as indicated above was sent to Impact at 14:37:53 2013 GMT (9:37 a.m. CST). The call was presented to Impact's network, had 3 seconds in duration, and the call was in the ring phase for 11 seconds (approximately 3 rings) when the call was terminated by the originating end (in this case IntelPeer). This is commonly known as a "ring no answer," or "origination cancel" indicating that the originating party disconnected the call prior to the terminating end picking up the phone. The carrier attempted was InterMetro Communications. Impact stated its Call Detail Record shows Internet Protocol (IP) packets in both the inbound and outbound directions indicated ring back to the customer.

Call number two as indicated above was sent to Impact at 14:39:17 2013 GMT (9:39 a.m. CST). The call record shows one second of post-dial delay (PDD), seven seconds of ring time, and a 200 Normal BYE (indicating the call was answered and the clock started for billing). The call shows 15 seconds of duration and IP packets in both incoming and outgoing directions. This call was terminated to Broadvox Communications.

Impact stated it did not have any issues with the calls that were reported by IntelPeer and subsequently to the IUB. Impact stated additional research was done inside the reported hour and other calls were identified. Impact noted either calls completed with minimal PDD (sub three seconds) or the call was sent back to IntelPeer to be rerouted. Impact further noted the calls that completed had duration and packet flow in both directions indicating good audio. Impact stated its test calls replicating the call also completed. Additionally, Impact stated that IntelPeer's request was for Impact to place blocks on the terminating TN for purposes of rerouting to an alternate route on January 30, 2013.

Staff issued a proposed resolution on March 14, 2013, and staff observed that the testing performed by CenturyLink indicated the problem was with IntelPeer, CenturyLink's underlying carrier. Staff found that once CenturyLink removed IntelPeer from the routing and performed test calls, the calls completed without issue. Staff also found that additional test calls made with Mr. Gast completed.

Staff referred to IntelPeer's statement that the problem was with its underlying carrier, Impact. Impact stated the calls completed with minimal PDD or the call was sent back to IntelPeer for rerouting. Staff found that on January 30, 2013, IntelPeer requested that Impact place a block on the terminating telephone number so the calls could use an alternate route to prevent future call completion issues.

Staff contacted Mr. Gast on February 7, 2013, and he stated that since CenturyLink made the changes to its routing he has not had any further problems with calls completing. Mr. Gast stated the matter was resolved and he would contact staff if the problems recur. As of the date of staff's proposed resolution, Mr. Gast had not reported any further problems with calls completing.

On March 27, 2013, OCA filed a request for formal proceeding. According to OCA, the “problems reported by the Hancock County Health Systems are not unique” and are occurring with sufficient frequency and affecting a sufficient number of rural consumers to justify an investigation. In support, OCA cited the following complaints presently before the Board:

- In re Allison Rehabilitation Center, No. FCU-2012-0019 (Order granting OCA’s request for formal proceeding dated March 15, 2013);
- File no. C-2012-0147 (FCU-2013-0004), (OCA’s request for formal proceeding filed March 7, 2013); and
- Four additional informal complaints alleging various call completion failures (Nos. C-2013-0006, C-2013-0011, C-2013-0025, and C-2013-0026).

(OCA Request for Formal Proceeding, pp. 6-8, ¶14.)

In support, OCA refers to the Federal Communication Commission’s (FCC) February 2012 declaratory ruling, which identified a pattern of call completion and service quality problems with long distance calls to rural areas; the National Association of Regulatory Utility Commissioners’ (NARUC) July 2012 resolution, which described call completion failure rates being 13 times higher in rural areas than in non-rural areas and noted that rural call termination issues persisted; and a November 2012 press release of the National Exchange Carriers Association, which described the call completion problem as a “mounting epidemic.” (OCA Request for Formal Proceeding, pp. 8-9, ¶14.)

OCA further states:

As observed in the FCC’s declaratory ruling, the call completion problems can have dire consequences. Small businesses can lose customers who get frustrated when their calls don’t go through. Urgent calls from friends and families can be missed. Schools may be unable to reach parents with critical alerts. Those in need of help may be unable to reach public safety officials. In addition, as here, health care facilities may be left without an ability to provide the care their patients need due to the failure of calls and faxes from one facility to another. As stated by both U.S. senators from Iowa, and 34 of their colleagues, “[w]e . . . worry it is only a matter of time before this situation leads to tragedy.”

(OCA Request for Formal Proceeding, pp. 9-10, ¶15.)

OCA further noted that in its July 2012 resolution, NARUC observes:

“[i]t appears that some carriers are not taking the declaratory ruling seriously.” NARUC continues: “[t]he call termination issues seem unlikely to be resolved unless and until a provider that has failed materially and repeatedly to route calls to destinations as sought by originating carriers faces serious consequences for such failures.”

(OCA Request for Formal Proceeding, p.10, ¶16.)

OCA contends that in this case the file raises more questions than answers and the Board is not much closer to understanding who and what caused the difficulties experienced by Hancock County Health Systems than was the case on the day the complaint was filed. (OCA Request for Formal Proceeding, p.10, ¶17.)

OCA finds conflicting information in the record, noting that while CenturyLink says the problem related to call routing and the problem was solved by removing IntelPeer as the underlying carrier and IntelPeer says that the problem was solved by removing Impact as the underlying carrier, Impact claims the calls did go through. And, according to OCA, neither CenturyLink nor IntelPeer explains what caused the problem. OCA argues investigation is needed to determine what happened and to understand how one company's system can show a call was completed while another system can show the call was not completed. (OCA Request for Formal Proceeding, pp.10-11, ¶¶18-19.)

OCA further states that while Impact acknowledges that some of the calls were sent back to IntelPeer for rerouting, the record does not disclose how many or which of the calls were sent back, or why they were sent back, or why some were sent back and some were not, or what happened to those that were sent back. OCA contends investigation is needed to answer these questions. (OCA Request for Formal Proceeding, p.11, ¶20.)

OCA also states investigation is needed regarding the roles of InterMetro Communications and Broadvox Communications, suggesting that either or both may be third-tier underlying carriers. OCA suggests that it might be expected that the number of dropped calls will increase with an increasing number of underlying carriers. (OCA Request for Formal Proceeding, p.11, ¶21.)

OCA also states investigation is needed on the following issues:

- The routing of the calls, the changes made to the routing, and the reasons why CenturyLink and IntelPeer concluded the re-routing would improve the likelihood that the calls would complete.

- The performance requirements, metrics, and standards imposed by CenturyLink and IntelPeer on other companies that are carrying the traffic, in order to ensure that attempted calls complete.
- Whether a lack of compatibility between traditional time-division multiplexing and Internet Protocol switches and signaling systems contributes to call completion problems.
- The causes of, and ways to prevent, call completion problems; and
- Whether the problem in this case has actually been resolved. OCA states that Mr. Gast indicated to OCA on March 22, 2013, that the clinic's receptionist says the call completion problems are continuing.

(OCA Request for Formal Proceeding, p.12, ¶¶22-26.)

OCA acknowledges the FCC plays a "central role nationally in resolving the problem long-term" (OCA Request for Formal Proceeding, p. 12, ¶ 27), but argues there is an appropriate state role in responding to the problem. OCA stresses that the Board has an interest in ensuring that calls are completed to rural destinations in Iowa and in preventing further decline in the quality of service provided in rural Iowa. Looking ahead, OCA states that further investigation by the Board could uncover violations of the FCC's rules, which could be reported to the FCC with a request for enforcement. OCA suggests that the FCC might be more likely to act upon the results of a Board investigation (which would serve to develop the information presently missing in this case and resolve conflicts in the information). OCA asserts that the Board has authority over the delivery of intrastate telecommunications services. OCA suggests that Board investigation could reveal remedial or enforcement tools already at the Board's disposal or could show a need for new law(s) or regulations. (OCA Request for Formal Proceeding, pp. 12-13, ¶¶ 27-30.)

OCA emphasizes the seriousness of the call completion problem:

The failure of calls and faxes to complete affects the health, safety and welfare of Iowans. Calls for help may not be answered, and in this case a county hospital was apparently unable to communicate with a nearby medical clinic on patient needs.

An investigation will materially enhance the ability of the Board and its staff to participate on a well informed basis in ongoing workshops designed to assess the problem and effect a solution.

An investigation will materially contribute to solving the problem, because carriers will know they are being watched, with a view toward enforcement when needed.

(OCA Request for Formal Proceeding, p. 14, ¶¶ 31-33.)

On April 17, 2013, CenturyLink responded to OCA's request for formal proceeding. CenturyLink does not believe a formal proceeding is necessary. CenturyLink believes the FCC's response to the problem is adequate and further action by the Board is not needed. CenturyLink points out that in addition to the declaratory ruling already issued by the FCC, that agency is planning to initiate another rule making proceeding to address call completion issues. CenturyLink states the OCA's request for a formal investigation into this singular complaint discusses the overarching issue of rural call completion and names other carriers, in addition to CenturyLink, that are allegedly causing call completion problems in Iowa. This leads one to believe that the OCA wants to broaden the basis of the original complaint to conduct investigations into the broader issue of rural call completion in the state of Iowa. CenturyLink continues to believe that the Federal Communications Commission (FCC) is adequately addressing the larger issue with the adoption of rules governing the requirements for call completion and call quality and any further action by the IUB is unnecessary. This is particularly true in light of the fact that the FCC has issued an additional Notice of Proposed Rule Making (NPRM) regarding call completion/call quality issues to address continuing problems in this.

CenturyLink further states it has conducted a full investigation of the alleged call completion issues and has concluded that complaints of telephone and fax communications from the Hancock County Health Systems to the 641-762-NPA/NXX were caused by issues with the underlying carrier. CenturyLink further noted it has a vigorous process to respond to any call completion issues as it believes it is a part of the duty it owes to customers to provide adequate service. CenturyLink states it took the following steps in this case to address the issue: (1) it fully investigated the issues raised in the complaint filed with Board; (2) it identified the underlying carrier as IntelPeer; (3) it removed IntelPeer from the call routing to the 641-762-NPA/NXX; and (4) it has conducted subsequent testing that telephone and fax calls have completed without any additional problems.

CenturyLink understands that IntelPeer is conducting its own investigation with the use of an additional underlying carrier, but since IntelPeer has been removed from the routing, CenturyLink believes the issue is resolved for the customer.

CenturyLink states it will follow up on any issues raised in the future by its customers regarding the performance of their long distance service. Also, CenturyLink is willing to work with Hancock County Health Systems to conduct additional testing. CenturyLink believes that a formal proceeding is not in the public interest and is unnecessary.

II. Legal Standards

FCC Action

OCA refers to the declaratory ruling issued by the FCC in February of 2012. In 2011, the FCC created a Rural Call Completion Task Force to investigate and address the problem of calls to rural customers which are delayed or fail to connect. The Task Force held a workshop on this issue in October of 2011, and in February 2012, the FCC issued a Declaratory Ruling responding to the issues. The FCC explained it was issuing the ruling in response to requests for action and in response to evidence showing "a pattern of call completion and service quality problems on long distance calls to certain rural areas." The FCC intended "to clarify the scope of the Commission's prohibition on blocking, choking, reducing or restricting telephone traffic." *In the Matter of Developing a Unified Inter-carrier Compensation Regime*, CC Docket No. 01-92; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135 (Rel. Feb. 6, 2012); "Declaratory Ruling," 27 FCC Rcd. 1351. The FCC clarified that its prohibition against blocking, choking, reducing, or restricting telephone traffic extends to routing practices that have the effect of blocking, choking, etc. (Declaratory Ruling, ¶3.) The FCC also clarified that such practices may constitute unjust and unreasonable practices in violation of section 201 of the Communications Act of 1934, as amended (the Act), and/or may violate a carrier's duty to refrain from unjust or unreasonable discrimination in practices, facilities, or services. (Declaratory Ruling, ¶ 4.) Finally, the FCC emphasized that carriers are responsible for the actions of their agents or other persons acting for or employed by the carriers, i.e., underlying providers. (Declaratory Ruling, ¶¶ 4, 15.)

The FCC explained that it can take appropriate enforcement action pursuant to its statutory authority, including cease-and-desist orders, forfeitures, and license revocations against carriers engaging in the prohibited activities discussed in the Declaratory Ruling.

On February 7, 2013, the FCC released a Notice of Proposed Rulemaking, *In re: Rural Call Completion*, WC Docket No. 13-39, FCC 13-18 (Call Completion NPRM). The FCC seeks comment on rules to help address problems in completion of long-distance calls to rural customers. Comments are due May 13, 2013. The FCC mentions evidence that retail long-distance providers may not be adequately examining the rural call completion performance that results from use of wholesale call delivery services by intermediate providers employed by the long-distance providers. The FCC intends to "consider measures to improve the Commission's ability to monitor the delivery of long-distance calls to rural areas and aid enforcement action." (Call Completion NPRM, ¶ 3.)

Noting a problem with a lack of data that impedes investigations (NPRM, ¶ 17), the FCC seeks comment on reporting and data retention requirements that would

give the Commission information about a long distance provider's performance to certain areas. The FCC proposes to adopt rules that would require originating long-distance voice service providers to collect and retain basic information on call attempts and to periodically analyze and summarize call completion and report the results to the Commission." (§ 17.)

The agency also seeks comment on how the burden of compliance with the rules can be minimized, "particularly for originating providers whose call-routing practices do not appear to cause significant call completion problems." (Call Completion NPRM, § 3.)

In the NPRM, the FCC reviews the steps it has taken so far in response to the call completion problem. The FCC states it is conducting ongoing investigations of several long-distance providers and addressing daily operational problems reported by rural customers. (§ 11.) The FCC describes the Web-based complaint intake process which allows rural customers and carriers to alert the Commission about call completion problems and instructs them on how to file complaints.

NARUC representatives sent a letter dated February 11, 2013, to the FCC urging the agency to take immediate action against carriers acting contrary to the FCC's call completion Declaratory Order. In the letter, NARUC observed that since the FCC issued the Declaratory Order, the agency has not issued any cease-and-desist orders, forfeitures, license revocations, or fines. The letter notes that "it is not unreasonable to expect enforcement activity in the face of continued and arguably increasing problems." However, since NARUC made the statement about the FCC's enforcement activity, the FCC has taken action against a carrier in a call completion complaint. On March 12, 2013, the FCC announced that it had reached a settlement with Level 3 Communications, LLC, resolving an investigation into the company's rural call completion practices. The settlement includes call completion standards and a voluntary contribution to the U.S. Treasury in the amount of \$975,000.

III. Analysis

Iowa Code § 476.3(1) provides that a public utility shall furnish "reasonably adequate service" in accordance with tariffs filed with the Board. That section also provides, in relevant part, that when the Consumer Advocate files a petition for formal proceeding with the Board, the Board shall grant the petition if the Board determines that "there is any reasonable ground for investigating the complaint." Reasonable grounds for further investigation exist when the Board has received multiple complaints against a single company regarding the same subject matter in a relatively short time frame, and there are numerous unanswered questions regarding the precise circumstances of a complaint. (Presently, staff is working on three other informal complaints involving CenturyLink in which call completion problems are alleged. Also, two complaints

involving CenturyLink are the subject of formal proceedings in Docket Nos. FCU-2012-0019 and FCU-2013-0004.)

Staff believes there are sufficient grounds to open a docket to conduct further investigation into this particular complaint which involves allegations that calls and faxes from the main campus of a rural health facility to outlying locations that did not complete, a scenario which presents a potential for serious health and safety consequences if calls do not complete. Staff agrees with OCA that the responses from CenturyLink, IntelPeer, and Impact have not answered all of the questions that the case presents. Staff also agrees with OCA that the roles of what might be "third-tier underlying carriers" is a factor needing further investigation, along with questions about compatibility between the different types of technology used to deliver calls, and whether a lack of compatibility has an effect on call completion. Staff does not believe that the record to date provides enough specific information for staff and the Board to fully understand what caused the failures in the first instance and steps taken by the various providers to prevent recurrence of the alleged completion problems. Staff anticipates that further investigation will allow the Board to better understand whether carriers in this particular case have adequately responded to the call completion problems at issue.

Docketing the complaint for further investigation would enable the Board to gather more specific information about CenturyLink's use of (and standards for) underlying carriers and to the extent to which use of certain underlying carriers and routing practices have contributed to call completion problems. Likewise, more information may be available from IntelPeer and Impact (and any other underlying carriers involved in the routing of these calls) about the cause of the call failure alleged in this case. Finally, further investigation may clarify whether the problems experienced by Hancock County Health Systems have been permanently resolved.

IV. Recommendation

Staff recommends that the Board grant OCA's petition for formal proceeding and assign the case to the Administrative Law Judge.

RECOMMENDATION APPROVED

/tgp

IOWA UTILITIES BOARD

/s/ Elizabeth S. Jacobs 5-15-13
Date

/s/ Swati A. Dandekar 5-9-13
Date

Date

